

THE ORIGINAL

Parl 68

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S P E E C H

O F

Sir *W——m St——pe,*

On the first reading of the Bill for appointing
the Assizes at *Buckingham*, Feb. 19, 1748.



L O N D O N,

Printed for W. W E B B, near St. Paul's, 1748.

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STEPHEN

OF

Sir Wm. 3rd 1742

the first of the 1742



LONDON

Printed by W. Webb, near St. Paul's Church

[This Sixpence]

T H E
Original S P E E C H

O F
Sir W---m St---pe, &c.

Mr. Sp---r,

IF I did not think I could prove, that this bill is the errantest *job* that ever was brought to P--rl--t, I would not give the house the trouble of hearing me—But why do I talk of proofs? When there is a known course of law for appointing assizes all over *England*, if one particular town applies to P--rl--t to desire the monopoly of the assizes in their county, is there any courtier who has so little of the country-gentleman in him, as to want to be told that such a monopoly, exclusive of the other towns of the county, is a *job*? or will courtiers be fond of such a bill only because it is a *job* and a monopoly? But, Sir, this exclusion is actually going to be inflicted on the county of *Buckingham*; and here let me condole with that unhappy, rather that blinded county, who neglected to choose *two gentlemen* of such power and interest, that I am persuaded they will have more votes in this house to day, than they would have had at the general election in the whole county in question, if they had done it the honour to offer themselves for representatives. It is the power and interest of those *gentlemen* that I am afraid of, not of their Arguments; and they will have occasion for both the former, to balance the weakness and ridiculousness of the latter. And to shew you, Sir, how sensible they are of the frivolousness of the latter, I could recapitulate such instances of intriguing for votes, as no man

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would believe, who does not know those gentlemen. Conscious of the badness of their cause, they have employed every bad art to support it, and have retained so much of their former patriotism, as consisted in blackening their adversaries, and acquiring auxiliaries. They have propagated such tales, that men have overlooked the improbabilities, while they wondered at the foolishness of them, and they have solicited the attendance of their friends, and of their friend's friends, with as much importunity as if their power itself was tottering, not the wanton exercise of it opposed. The only aid they have failed to call in, was reason, the natural but baffled enemy of their family. A family, Sir, possessed of every honour they formerly decried, fallen from every honour they formerly acquired. A family, Sir, who coloured over ambition with patriotism, disguised emptiness by noise, and disgraced every virtue by wearing them only for mercenary purposes. A family, Sir, who from being the most clamorous incendiaries against power and places, are possessed of more employments than the most comprehensive place bill that ever was brought into P—rl—t would include; and who to every indignity offered to their R—l M—r have added that greatest of all, intrusion of themselves into his presence and councils; and who shew him what he has still farther to expect, by their scandalous ingratitude to his son. A family, Sir, raised from obscurity by the petulance of the times, drawn up higher by the insolence of their b—g kinsman, and supported by the timidity of two M—rs, who, to secure their own persons from abuse, have sacrificed their own party to this all-grasping family, the elder ones of which riot in the spoils of their t—y and p—s, and the younger—

(Here being called to order, he proceeded as follows) Sir, I am sorry to have offended the gentlemen, when I thought the greatest compliment I could pay them, as no man can imitate them without giving up his understanding or his character, was to follow their example. They introduced and cultivated the use of personal invectives, and they must be very tender, very sore indeed, Sir, when they would abolish the practice. But as they have corrected me for imitating them, I shall now do quite the contrary from what I ever saw them do, and op-

pose this bill from reason and argument; and of all the bills I ever saw, the opposition to this has the least occasion to combine personal odium with it to discredit it.

We were told, Sir, that applications for similar bills have been often made, and the suit granted, but the bill afterwards rejected: that sometimes bills of the same nature have even passed this house, and not met with their fate till at a subsequent tribunal. These were reasons I own for permitting the introduction of the bill, as far as precedent should reasonably operate; but on summing up the accounts even of precedent, I apprehend they will bear evidence against passing the act: for thus it stands; parallel bills have been brought in; have sometimes scrambled thro' here, but have extorted the united assent of the legislature—how often? twice, Sir, say the ingenious advocates for the bill. Of that twice, once was as long ago as the reign of *Harry* the IVth, and the other was so far from being a case in point, that it is directly contradictory. So far was the parliament from pinning down the assizes to one town in *Cornwall*, that it left two towns open for them to appoint the assizes at either. Consequently there being but these two cases pretended, where such a bill has passed, the more precedents there are for such a bill being brought in, the more precedents there are for throwing it out.

Another reason for appointing the assizes at *Buckingham* is its being the county-town; a reason only fit to captivate the imagination of an antiquarian; if a county-town was always the most conveniently situated for the concerns of the whole county, or always the best accommodated with every thing necessary for holding the assizes, it might carry a plausibility of argument; but *Buckingham* having been proved by the united voice of the gentlemen of the county to be destitute of these advantages, and *Ailbury* appearing to be characterized by them, the arguments sum'd up in the magic term county-town, seem to have no more weight than two words without a definite meaning can give them; which can be none here, as I am sure we are not in this case, what we are sometimes denied to be, a court of judicature, for jargon is not our language. But the gentlemen seemed sensible that no stress would be laid upon words of no meaning, and therefore soon drop'd this topic, to flourish on others of equal importance, and equally elucidated.

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They harangued out of the petition, which having been coined in their own mint, could lend them no more weight than it had received from them. For, Sir, what were the fundamental arguments that produced the petition, and that are to support the bill? why the great concern the town of *Buckingham* is under for losing the assizes, and a design of preventing these two dangerous rivals from being played against one another. These were the parents of the bill. A constant, settled, uninterrupted course of holding the assizes there for a prodigious length of time, for no less than four and twenty years, nay, and even before the date of that very distant period, some respectable obsolete instances of their having been held there too; this great prescription is to support the bill; and if it were possible to want any additional strength, besides these notable arguments, and the whole force of the M—ty, and the drawcanfirism of their well-worded champion, the house has had a formal assurance that there will be a better goal built at *Buckingham* than there is at present at *Ailsbury*, where with all the undenied advantages of situation and convenience, with a goal and town hall already built, it is said there is less attendance at the assizes than at *Buckingham*.

To these arguments, momentous as they are represented, no answer need be given but what they carry along with them; foolish reasons confute themselves. I can grieve, Sir, that the good town of *Buckingham* should be concern'd, I can tremble at the apprehension of two such potent states as *Ailsbury* and *Buckingham* entering into competition for power; I can contract such a respect for venerable custom, as to think four and twenty years such a duration of empire, that the scepter cannot be ravish'd from *Buckingham* without a violation of all antiquity; and I can think that a future goal more accommodated for reception, is an object that ought to strike the present P—rl—t; for as to the greater or less attendance, I apprehend it depends on the different seasons of holding the assizes; because though we have been assured, that some gentlemen must go fifty miles to *Buckingham*, whereas the greatest distance from *Ailsbury*, is not half the number; yet I believe many would go fifty miles in summer, sooner than twenty five in winter. By retaining the assizes

at *Ailbury*, no body will go above twenty five at any time. But, Sir, I shall not dwell on these arguments, because I shall hardly convince any man who can shut his eyes against the conviction of the map, nor in the map itself will *Ailbury* appear the best situated, to any man who looks there only for STOWE. For *Ailbury* I am sure I have no particular partiality ; I never got a vote there, that I did not pay for.

But, Sir, though I can accompany the petitioners in all their griefs and fears and promises, yet I cannot get over one objection, which strikes me, as the very serious point on which this whole debate ought to turn. And that, Sir, is the great and unprovoked injury which this bill will offer to the whole bench of judges, whose privileges will be violated, and even the prerogative of the crown infringed through their sides. But though we know by experience, how roughly *these gentlemen* handle the crown, whenever it suits their own views, yet I should hope the P—rl—t would not lend their sanction to this insult on the judges. When the legislator has been so provident, as to establish their charges for life, that they may execute their great and weighty duties unsubjected to any menaces of power, or appetites of interest, I should hope no man would consent to lop a power, merited by age, experience and abilities, entrusted by the whole constitution, and a check on all other power, as theirs alone exists by, and is inseparable from the execution of the laws. Were there as many cousins as there are judges, and all chosen for *Buckingham*, I should hope the venerable dignity of those sages would save them from being sacrificed to the clamours and brigues of so importunate a race. If the bill passes, the judges will no longer have the free option, which they have in other counties, of appointing the assizes ; and surely there is no cause why these worthy persons should lose a privilege, which it is not pretended they have abused, only to favour the petitioners in acquiring a new privilege, much less supported by any argument, than any old privilege that I ever heard of. For, Sir, I repeat it again, there is not the shadow of an argument offered to support this request. No hardship is inflicted on *Buckingham* in taking away the assizes, the original hardship was to *Ailbury*, from whence

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they were removed by a former judge, to cultivate a family-interest in the present petitioning town, which *these gentlemen* having undermined by *their superior merit*, it surely may be allowed to another judge to remove the assizes back to their former situation ; and if four and twenty years are such a prodigious long term, why then *Buckingham* has enjoyed a privilege wrested from *Ailsbury*, for a prodigious long season. But the real hardship is on the judges who are to suffer for the competition between these two towns. I cannot look on it, Sir, as personal to the great and learned man, who made the last removal ; it is only incidental to him when he goes that circuit, but all his brethren and successors are complicated with him for no fault of theirs. It was said, that no censure was laid on that great person for this removal ; I am amazed the gentlemen should be so cautious, it is not the first time they have censured a chief justice for doing what he has a legal right to do, nor is this the first attack made on the learned profession by a *certain family* ; but though they can influence court-martials to execute their piques and prejudices, I hope the P--rl--t will have more sense and resolution, than to be the tools of so hot-headed a faction, and when their drudgery *nemini obtrudi potest*, I hope if they are at last forced to resort to us, we shall have spirit enough to preserve our own dignity, and to refuse to be the agents of their jobs, and the instruments of their malice, and as all parties have already been, the dupes of their self-interested politics.



F I N I S.

